

## **REMARKS**

### **35 USC §102**

The pending claims stand rejected under 35 USC 102(b) as being anticipated by Rohr (U.S. Patent No. 5,573,363). This Rohr reference fails to disclose each limitation of either the previously amended claim 1, or the currently amended claim 1. The current amendments clarify, without narrowing, the structural recitations that are not disclosed in the Rohr '363 reference.

The Rohr '363 reference discloses multiple hulls defined as "independent floating conveyor units 12" (see Column 4, line 1). At least two limitations structurally recited in the pending claims are not disclosed in the Rohr '363 reference, and are impossible to achieve according to the Rohr disclosure. First, pending claim 1 affirmatively recites that the dredge, hopper and transfer conveyor are all mounted on the hull. (This may be a single hull or a unified assembly of components, such as for example pontoons; but not separate hulls.) The Rohr '363 reference discloses transfer conveyors on separate hulls. Neither the previously pending claim nor the currently amended claim recite a transfer conveyor on an "independently floating unit." Rohr never discloses a dredge, hopper and conveyor on a single hull. Each of the dredge, hopper and transfer conveyor limitations of the pending claim require mounting on "the hull."

Secondly, the office action cites element 78 as anticipating the hopper recited in the pending claim. If this be the case, the conveyors disclosed in the Rohr '363 reference *only* receive river bottom material from their hoppers. It is *never* disclosed in the Rohr '363 reference that any transfer conveyor receive material directly from the dredge. The previously pending claim 1 recited that the transfer conveyor receive material directly from the dredge. The current claim amendment clarifies this limitation by repeating it for each of the selectable positions of the transfer conveyor of the pending claim. That is, whether the transfer conveyor of the pending

claim is in position to convey material into the hopper, or in a position to convey material off of the vessel, it receives material directly from the dredge.

Moreover, the “independent floating conveyor units” of the Rohr ‘363 reference *never* convey material into the hopper on the same hull. They can *only* convey material into a different hopper on a different hull.

(Applicant notes that the pending limitation to “a transfer conveyor mounted on the hull” covers either a single conveyor or a plurality of conveyors working in conjunction with one another, provided that the transfer conveyor(s) receive material from the dredge and deposit it either in the hopper or off the vessel.)

Because at least three limitations structurally recited in the pending clarified claims are not disclosed in the Rohr ‘363 reference, the Rohr reference does not anticipate the pending claim under 35 USC 102(b).

Furthermore, the Rohr reference teaches away from the structure recited in the pending claims in that it teaches a plurality of vessels that may be linked together with a hinge 40 (see figures 3 and 4). Therefore, the Rohr ‘363 reference does not teach, suggest, or motivate the structure of the pending claims under 35 USC 103 either.

The currently pending claims also stand rejected under 35 USC 102(b) as anticipated by Rohr (U.S. Patent 5,259,130). The Rohr ‘130 reference no where recites a moving floor for the hopper. The Rohr ‘130 reference failing to disclose this structurally recited limitation of the pending claims, the Rohr ‘130 reference fails to anticipate the pending claims under 35 USC 102. Furthermore, the Rohr ‘130 reference fails to teach, suggest, or motivate the hopper and transfer conveyor limitations of the pending claims.

Independent claim 23 is not anticipated (or rendered obvious) by either Rohr reference because it discloses both a conveyor system with a first and second portion and also a distribution conveyor. The recited second portion of the conveyor system is moveable between two positions. In the Rohr '363 reference, if any of the "floating independent conveyor units", is read to be a distribution conveyor, then the other "floating independent conveyor units", assuming for the sake of argument that they are read as "second moveable portions" of the conveyor system of the pending claim, are not moveable to convey material away from the hull. They can only move material into a next hopper. Accordingly, the Rohr '363 reference does not disclose the recited limitations of claim 23 and therefore does not anticipate it.

Independent claim 32 is not anticipated by the Rohr references for the same reasons stated above in regard to claims 1 and 23. The remainder of the pending claims are dependent upon the previously discussed independent claims, and are not anticipated (or rendered obvious) by the Rohr references for at least the reasons previously explained.

## **Support**

The disclosure of the original specification supports the pending claim limitations as follows: "the transfer conveyor" limitation is supported at page 11, line 9 through page 12, line 16 and at page 15, line 29 through page 16, line 17. The "moving floor" limitation is supported at page 12, line 17 through page 13, line 25 and at page 16, line 15-30.

The "discharge assembly" limitation of claim 15 is supported at page 14, lines 16-30 and page 16, lines 18-30. The "distribution conveyor" limitation of claim 6 is supported at page 14, lines 7-15 and page 16, lines 20, through page 17, line 2.

***Conclusion***

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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